

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

NATHAN HAKE FARMS LLC,	:	Case No. 3:18-CV-13
	:	
Debtor/Appellant,	:	Judge Thomas M. Rose
	:	
v.	:	
	:	
NOBLE OPPORTUNITY FUND II, LP,	:	
	:	
Creditor/Appellee.	:	
	:	

**ENTRY AND ORDER GRANTING MOTION TO DISMISS APPEAL
(DOC. 4) AND TERMINATING CASE**

This bankruptcy appeal is before the Court on Motion to Dismiss Appeal (Doc. 4) filed by Appellee Noble Opportunity Fund, II LP (“Noble Opportunity”). Noble Opportunity moves to dismiss Appellant Nathan Hake Farms LLC’s appeal of the dismissal of its Chapter 12 Proceeding before the United States Bankruptcy Court for the Southern District of Ohio. Noble Opportunity argues that dismissal is proper because (1) Appellant failed to timely file a Notice of Appeal with the bankruptcy court clerk, (2) Appellant is a limited liability company and the Notice of Appeal was filed by a non-attorney manager, and (3) Appellant has failed to prosecute this appeal. (Doc. 4 at 2-4.) Appellant did not respond to the Motion to Dismiss Appeal and the time for it to do so has expired. This matter is therefore ripe for review.

WHEREFORE, for the reasons stated in Noble Opportunity’s supporting

memorandum and noting that no opposition has been filed, the Court **GRANTS** the Motion to Dismiss Appeal (Doc. 4) and **DISMISSES** this case, which shall be terminated on the docket of this Court.

DONE and **ORDERED** in Dayton, Ohio, this Monday, March 12, 2018.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE